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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/619,179	07/19/2000	Dimitri Kanevsky	YO999-468	1031
7590	06/01/2005		EXAMINER	
Paul D Greeley Esq Ohlandt Greeley Ruggiero & Perle LLP One Landmark Square 9th floor Stamford, CT 06901-2682			CHUONG, TRUC T	
		ART UNIT	PAPER NUMBER	2179

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/619,179	KANEVSKY ET AL.	
	Examiner	Art Unit	
	Truc T Chuong	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 April 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 44-47,49,51-53 and 63-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 44-47,49,51-53 and 63-71 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is responsive to RCE, filed 04/29/05.

Claims 44-47, 49, 51-53, and 63-71 are pending in this application. Claims 44, 63, and 71 are independent claims. In the communication, claims 44, 51, and 63 are amended, claims 1-43, 48, 50, and 54-62 are cancelled, and claims 65-71 are new claims. This rejection is made non-final.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 44-47, 51 and 71 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsumoto et al. (U.S. Patent No. 6,473,088 B1).

As to claim 44, Matsumoto teaches a method for automatic control of window overlap comprising:

automatically determining priorities of each window of a plurality of overlapping windows displayed on a graphical user interface, wherein said window priority is derived from a content of each window of said plurality of windows (a content of a window can be a name, identification, parameter, or keyword defined that window, and the window is still based on the

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priority history of accessing to determine the priority for each display window (see applicant's specification, page 12 lines 25-30, and page 13 lines 21-29); therefore, Rowe teaches the names of the windows are shown as input 1-4 of figs. 9, 11, 13, and 15, and the windows are overlapped based on the priority from high to low of each window, e.g., col. 10 lines 38-65, figs. 9, 11, 13, and 15), and

automatically arranging said plurality of windows to overlap one another in order of said priority on said graphical user interface (e.g., col. 10 lines 38-65, col. 11 lines 43-64, figs. 9, 11, 13, and 15).

As to dependent claim 45, Matsumoto teaches the method further comprising:

automatically sizing said windows on said graphical user interface according to said priority (e.g., col. 14 line 34-col.15 line 35, figs. 11, 13, and 15).

As to dependent claim 46, Matsumoto teaches the method further comprising:

automatically positioning said windows on said graphical user interface according to said priority (e.g., figs. 9, 11, 13, and 15).

As to dependent claim 47, Matsumoto teaches the method wherein said windows are automatically re-arranged only when a redrawing function is selected by a user (the user can reset the timing for updating of the display using the new parameters, e.g., col. 17 lines 31-46).

As to dependent claim 51, Matsumoto teaches the method wherein the contents of said window is determined by a content label assigned by a user (parameters can be entered by the user, e.g., col. 17 lines 31-46; the names of the windows are shown as input 1-4, 9, 11, 13, and 15).

As to claim 71, Matsumoto teaches a method for automatic control of window overlap, comprising:

automatically determining priorities of each window of a plurality of overlapping windows displayed on a graphical user interface (the windows are overlapped based on the priority from high to low of each window, e.g., col. 10 lines 38-65, figs. 9, 11, 13, and 15); and

automatically arranging said plurality of windows to overlap one another in order of said priority on said graphical user interface, wherein said window priority is derived from a content of each window of said plurality of windows (e.g., col. 10 lines 38-65, col. 11 lines 43-64, figs. 9, 11, 13, and 15),

wherein said content of each window is determined by at least one keyword (by using a name, identification, parameter, or keyword to define a window, the window is still based on the priority history of accessing to determine the priority for each display window (see applicant's specification, page 12 lines 25-30, and page 13 lines 21-29). Rowe teaches the names of the windows are shown as input 1-4 of figs. 9, 11, 13, and 15), and

wherein said priority is determined by scanning said window for said at least one keyword (the parameters using to define the priority of the windows which can be changed by interacting with each window, e.g., col. 13 line 59-col. 14 line 10, and col. 17 lines 31-46), and determining a frequency of said at least one keyword in said window (inputs 1 to 3 are windows in which images that move less frequently, such as presentation data, are displayed, and input 4 is a window in which images that move frequently, such as video data, are displayed, e.g., col. 16 line 66-col. 17 line 45).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al. (U.S. Patent No. 6,473,088 B1) in view of Bass et al. (U.S. Patent No. 4,559,533).

As to dependent claim 49, Matsumoto teaches the method further comprising:

automatically displaying for said window according to said priority on said graphical user interface (see claim 44 above); however, Matsumoto does not teach displaying window in a color according the priority. Bass clearly teaches windows with colors (e.g., col. 11 lines 41-62, and fig. 6). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the priority windows of Matsumoto in different colors as the displayed windows of Bass to ease the viewer when visualizing the objects on the screen.

5. Claims 52-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al. (U.S. Patent No. 6,473,088 B1).

As to dependent claims 52-53, Matsumoto teaches the method further comprising:

automatically re-arranging windows so that said windows overlap one another in order of said priority on said graphical user interface (see claim 44 above); although, Matsumoto does not clearly teach re-arranging icons so that icons overlap one another in said task bar on the GUI, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the similar technique as applied to the windows with priority that has clearly mentioned

in the priority windows of Matsumoto above for easily to keep track of the concurrency between the displayed windows and the related icons on the taskbar.

6. Claims 63-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al. (U.S. Patent No. 6,473,088 B1) in view of Odam et al. (U.S. Patent No. 5,825,360).

As to claim 63, Matsumoto teaches the method of automatic control of window overlap based on a user's history of window user, comprising:

automatically determining priorities of each window of a plurality of overlapping windows displayed on a graphical user interface (the windows are overlapped based on the priority from high to low of each window, e.g., col. 10 lines 38-65, figs. 9, 11, 13, and 15); and

automatically arranging said plurality of windows to overlap one another in order of said priority on said graphical user interface (e.g., col. 14 line 34-col.15 line 35, figs. 11, 13, and 15),

Matsumoto also teaches a number of times that window is accessed during a predetermined time interval (e.g., the user can reset the timing for updating of the display using the new parameters and updating the priority display windows, e.g., col. 17 lines 31-46), ...

however, Matsumoto does not clearly teach the priority is derived from one or more criteria of window selected. Odam clearly discloses the priority predefined criteria in col. 3 lines 10-36. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the priority windows of Matsumoto in different criteria as the displayed windows of Odam to ease the user when visualizing the display windows by grouping them in the same category.

As to dependent claim 64, Matsumoto in view of Odam teaches storing one or more of said criteria (Matsumoto teaches the priorities are stored in the RAM, e.g., col. 10 lines 57-65).

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As to dependent claims 65-67, they are the equivalent claims 45-47 respectively and are rejected under a similar rationale.

As to dependent claim 68, it is the equivalent claim 49 and rejected under a similar rationale.

As to dependent claims 69-70, they are the equivalent claims 52-53 respectively and are rejected under a similar rationale.

Response to Arguments

7. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Marks et al. (U.S. Patent No. 5,699,082) teach overlapping windows listing in order, rearranging windows, and user-defined functions (cols. 2-12 and figs. 6-14).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 571-272-4134. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Truc T. Chuong

05/28/05



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